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MATTERS RELATING TO COMMITMENTS

THE ROLES OF THE SUBSIDIARY BODIES ESTABLISHED BY THE CONVENTION

Note by the interim secretariat

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I. INTRODUCTION

A. Committee mandate

1. At the eighth session of the Committee, Working Group I considered the roles of the subsidiary bodies established by the Convention in the context of agenda items relating to methodologies, criteria for joint implementation and the first review of information. It was concluded that further elaboration of the respective tasks of the Subsidiary Body for Scientific and Technological Advice (SBSTA) and the Subsidiary Body for Implementation (SBI), as outlined in Articles 9 and 10, was needed before those bodies started working (see A/AC.237/41, para. 73). The Committee also adopted the following conclusions (see A/AC.237/41, paras. 70-72):

(a) The Committee agreed that, at its ninth session, a separate agenda item would be allocated to the consideration of the roles of the subsidiary bodies established by the Convention, including possible interim arrangements prior to the first session of the Conference of the Parties (COP 1);

(b) The interim secretariat was requested to prepare, for the ninth session, documentation offering options to clarify the respective roles of the subsidiary bodies, the relationships between them and their relationship with other bodies, including the Intergovernmental Panel on Climate Change (IPCC). The document should:

(i) Give due consideration to the timing of the meetings of the subsidiary bodies, as well as to the need for technical secretariat support, including human and financial resource implications;

(ii) Outline possible options available to satisfy the requirements of COP 1, with their full range of implications;

(iii) Take into consideration the documentation on methodologies and on the first review of information, as well as the existing experiences under other international legal agreements;

(c) The secretariat was asked to present the legal ramifications of three institutional options for carrying out the functions of the subsidiary bodies prior to COP 1.

B. Scope of the note

2. The intention of the present note is to assist the Committee to further elaborate the functions of the two subsidiary bodies before they start working. This note draws upon documentation prepared for the eighth session of the Committee (see A/AC.237/33, A/AC.237/34 and A/AC.237/36 and Add. 1) and on the preliminary discussions held at, and submissions to, that session. It also reflects relevant documentation prepared for the ninth session (see A/AC.237/44 on methodological issues, A/AC.237/45 on the first review of information communicated by Annex I Parties, A/AC.237/47 on the first review of the adequacy of commitments and A/AC.237/48 on the report on implementation).

3. Section II of this note describes possible functions that might be performed by the subsidiary bodies. Drawing on the text of the Convention, it then proposes which body might most appropriately carry out each function.

4. Section III summarizes the key points of the approach proposed for the allocation of functions between the subsidiary bodies. It also addresses the issue of scheduling of meetings of the bodies and their needs for technical and analytical support.

5. Section IV is intended to assist the Committee in its deliberations on the three institutional options proposed to satisfy the requirements of COP 1, commenting on their legal ramifications and their implications in terms of scheduling and related costs.

C. Possible action by the Committee

6. As this will be the first opportunity for the Committee to consider explicitly the roles of the subsidiary bodies, a thorough exchange of views, based on the issues raised in sections II and III, would be helpful. It should also be possible to reach some initial conclusions which could lead to the preparation of a document on draft recommendations to the COP on the roles and responsibilities of these bodies including recommendations on:

(a) The functions of the subsidiary bodies and their allocation; and

(b) The frequency and duration of the meetings of the subsidiary bodies.

The interim secretariat could be asked, on the basis of the discussions at the ninth session, to prepare such a draft document for consideration by the Committee at its tenth session.

7. With regard to the three institutional options identified at the eighth session and addressed in section IV, the Committee will have to decide on:

(a) A feasible institutional option to prepare for COP 1;

(b) How to make best use of the meeting time available to it, especially at its eleventh session;

(c) Whether additional meeting time will be needed; and

(d) The need for, and source(s) of, technical and analytical support, and related resource mobilization.

In the absence of such decisions it will be difficult to make the necessary meeting arrangements in time and impossible to ensure that the interim secretariat is properly equipped, in terms of staff and resources, to support the tasks of the Committee or the interim subsidiary bodies, if requested to do so.

II. POSSIBLE FUNCTIONS TO BE PERFORMED BY THE SUBSIDIARY BODIES

8. Articles 9 and 10 of the Convention describe in some detail the roles and responsibilities of the SBSTA and the SBI. In developing the proposed distribution of functions, as described in the following paragraphs, the interim secretariat drew primarily on the specific language of the Convention, and took account of the preliminary discussions on the issue at the eighth session. Special attention was paid to avoiding overlapping. It should be noted that the suggestions for the allocation of functions to the subsidiary bodies is intended to be general in scope and not confined to the period prior to COP 1. The Committee will, however, have to keep in mind whether, and how, these functions might be carried out in the interim period leading up to COP 1.

9. Eight possible functions of the subsidiary bodies are identified below (see subheadings A-H). The list is not intended to be exhaustive. For each function, there is a brief "discussion" of what it entails followed by "comments" by the secretariat including proposals for allocating the functions between the subsidiary bodies.

A. Review of scientific, technical and other information on the global situation

Discussion

10. The review of information on the global situation involves several tasks, such as reviewing international scientific, economic and technical literature to provide policy relevant information, compiling and synthesizing that information, and formulating requests to the appropriate entity(ies). These tasks are elaborated upon in the following paragraphs.

11. Review of international scientific, economic and technical literature to provide policy relevant information. As stated in document A/AC.237/36/Add.1, information on the global situation is needed not only as a basis for reviewing the adequacy of the commitments in Article 4.2(a) and (b), but also as a background or context against which information submitted in national communications can be considered. The scientific, technical and economic assessments of the IPCC and other relevant bodies would be carefully reviewed, summarized and, where necessary, converted into forms appropriate to the needs of the COP.

12. Compilation and synthesis of information. A further step would be a compilation and synthesis of the scientific, technological and economic information concerned, highlighting the findings of the above review. Such a report could note where and how the results of the global assessment relate to specific provisions of the Convention and identify any issues raised by the findings of the assessments.

13. Formulation of requests to competent scientific and technical bodies. Contributions from competent scientific and technical bodies will be important to the work of Convention institutions. Any specific requests to these bodies would have to be properly formulated prior to being transmitted. These could include requests for clarification or additional information on ongoing work and current results, requests for new work, or specific technical questions on which advice would be sought.

Comments

14. In the light of the provisions in Article 9.2(a) and (e), the above function would be most appropriately carried out by the SBSTA. Moreover, the eighth session saw widespread acceptance of the notion that the SBSTA would serve as the link between scientific assessments and the more policy-oriented needs of the COP. The SBSTA will have the expertise and mandate necessary to carry out this function, and can be expected to draw upon existing competent international bodies to carry out its tasks. The IPCC is one such body specifically referred to in the Convention in the context of interim arrangements (Article 21.2). Special attention will have to be paid to avoiding possible overlaps between the role of the SBSTA and that of other bodies. In this regard, it would be appropriate for the SBSTA to focus, in the near term, on preparing the information required for the review process, especially for the review of the adequacy of commitments, and on meeting the scientific and technical needs of the SBI and the COP.

B. Consideration of methodological questions

Discussion

15. Full implementation of the Convention will rely on the development of comparable methodologies for:

(a) National inventories of emissions and removals of greenhouse gases (Article 7.2(d));

(b) Projecting national emissions and removals and comparing the respective contributions to climate change of different gases (Article 4.2(b) and (c)); and

(c) Evaluating the effectiveness of measures undertaken pursuant to the provisions of the Convention (Article 7.2(d)).

Besides these methodological requirements inscribed in the Convention, there have been suggestions that possible additional methodologies may be needed, for example, for conducting impact/sensitivity analysis, assessing adaptation responses and quantifying the impacts of mitigation options on emissions and removals. In addition to these methodologies, which would be for the use of Parties in their national programmes and communications, other methodological tools might eventually become necessary to perform the review of national communications, especially for the aggregation of information for the purpose of assessing the overall effects of policies and measures. The interim secretariat, in document A/AC.237/50, para. 14, notes that guidelines, criteria or methodologies for the determination of "agreed full costs" and "agreed full incremental costs" could be a further possibility.

16. Likewise, any methodology, once developed, would have to be reviewed, with particular attention to criteria for transparency, consistency and comparability. It would have to be improved and refined on the basis of the latest scientific and technical knowledge and data resulting from initial use. In addition, Parties may require guidance and advice in using the methodologies agreed upon by the COP. The above tasks would be carried out in collaboration

with other intergovernmental bodies, such as the IPCC, and non-governmental organizations. Close collaboration and consistency would have to be ensured with related activities under relevant international agreements (see also A/AC.237/44).

Comments

17. Given its mandate to respond to scientific, technological and methodological questions (Article 9.2(e)), the SBSTA would be competent to carry out the above function in support of the COP and the SBI. Moreover, its relationship with other competent international bodies, as well as the expert character of its membership in the relevant fields of expertise, argue in favour of such an assignment. The SBSTA would be in a position to establish a collaborative network to satisfy the requirements of the Convention regarding methodology development.

C. Review of national communications

Discussion

18. The Committee, in its discussions on the process of how the national communications will be considered (see A/AC.237/41, paras. 61 and 62), agreed that "reviews should be facilitative, non-confrontational, open and transparent." It was also agreed that the subsidiary bodies should be responsible for the following tasks:

(a) A thorough analysis of the national communications including:

- Verifying methodologies used
- Comparing national data with authoritative international sources
- Noting the inclusion or absence of information and data, as well as their quality
- Reviewing projections of emissions by sources and removals by sinks and the assumptions on which those projections were based
- Assessing the comprehensiveness and effectiveness of climate mitigation and adaptation measures, as well as evaluating stated national impacts of climate change

(b) A compilation and synthesis of the information provided by the Parties, including the overall effects of policies and measures.

It was also acknowledged that additional information or visits to clarify national communications, with the prior approval of the country concerned, might be useful.

19. The above conclusions by the Committee imply that the subsidiary body would consider and reach conclusions on:

(a) Each national communication submitted; and

(b) Aggregate or synthesized information on the implementation of the Convention and the global effect of the measures undertaken.

Comments

20. Article 10 of the Convention gives the responsibility for considering information communicated in accordance with Article 12.1 and 12.2 to the SBI. The SBI is further mandated with the responsibility to assist the COP in the assessment and review of the effective implementation of the Convention. Consequently, it can be concluded that the SBI would have the primary responsibility for the consideration of the national communications.

21. It would be appropriate, and necessary, for the SBI to receive support and assistance in carrying out this function. The SBSTA could be asked to take up those tasks that are of a scientific or technical nature (for example, methodologies and inventories) and report to the SBI. Specific questions or requests for information could also be referred to the SBSTA. In order to digest the large volume of communications, the SBI would require technical and analytical staff support which could be provided by the secretariat or by some other means. An element of this support to the work of the SBI would be the visits to interested Parties. This could involve designated SBI members accompanied by the secretariat.

22. The SBI, in discharging the function of reviewing the national communications and reporting thereon to the COP, could be expected to have before it the following documents:

- The national communications
- An input from the SBSTA
- Inputs from the secretariat

A scenario along the following lines might be envisaged. The completion of the task of analysing the national communications could entail presentations by the submitting Parties, the discussion of each communication, and, if appropriate, reports on visits to Parties. Any necessary conclusions on the analysis of the communications could be made and a report to the COP adopted. The SBI could then turn its attention to the compilation and synthesis of the information provided by the Parties, including the overall effects of policies and measures. Some prior analytical work and aggregation would be necessary for the SBI to carry out this task effectively. On the basis of this work the SBI could be expected to reach conclusions and report to the COP. This report would compile and synthesize all aspects of the implementation of the Convention by the Parties, including the implementation of the financial commitments by Annex II Parties. It would also provide an estimate of the overall global effect of the measures undertaken to limit emissions and enhance sinks.

D. Review of the adequacy of commitments

Discussion

23. The results of the exercises described in sections A and C would provide the basis for the review of the adequacy of commitments called for by the Convention. Such a review rests on two elements, one linked to science and the other to the implementation of the Convention, and would provide an appreciation of whether changes in commitments are necessary (see also A/AC.237/47).

24. The first element, the scientific input, would consider questions such as whether the phenomenon of climate change and its impacts are providing greater or lesser cause for concern, and whether there is a greater degree of confidence in determining the ability of the Parties to take action to mitigate climate change. Some appreciation of whether or not the climate is changing or likely to change, the extent to which this is attributable to anthropogenic emissions and the extent to which this poses a threat, would have to come out of the review. The state of knowledge about potential regional impacts of climate change, especially in those regions that are most vulnerable and in relation to the ultimate objective of the Convention, would require special attention, as would costs and socio-economic factors associated with impacts, mitigation and adaptation options.

25. The second element, the input on implementation, would consider how the overall aggregated effect of the steps taken by Parties relates to the benchmarks set out in Article 4.2(a) and (b), to the modification of longer-term trends in anthropogenic emissions, and to the objective of the Convention.

Comments

26. The SBI is given the mandate, pursuant to Article 10.2(b) and (c), to assist the COP in carrying out the review of the adequacy of Article 4.2(a) and (b) and in the preparation and implementation of its decisions. The SBI would appear, therefore, to be the subsidiary body best placed to advise the COP on the adequacy of commitments, based on its own analytical work on the implementation of the Convention and on the scientific analysis done by the SBSTA. Such advice could extend to possible responses to the findings on the adequacy of commitments. These are discussed in the next section.

E. Possible follow-up to the review of the adequacy of commitments

Discussion

27. Document A/AC.237/47 identifies a number of possible follow-up actions to a decision by the COP on the review of the adequacy of commitments. Under some of these options, it could be envisaged that there would be a role for the subsidiary bodies, for example, in analysing proposals or options for amendments or protocols or for negotiations thereon.

Comments

28. Based on experience under other international environmental agreements, such as the Montreal Protocol on Substances that Deplete the Ozone Layer, the COP could delegate the preparation of a draft amendment or protocol to an ad hoc open-ended working group, keeping in mind that the responsibility for final adoption of any amendment or protocol lies with the COP. Alternatively, the COP might request the SBI to perform this function since Article 10.2(c) requires the SBI to assist the COP in the preparation and implementation of the latter's decisions, and it is open to participation by all Parties. If necessary, the SBI could, for that purpose, establish a special working party to lay the groundwork. Whichever forum were designated as responsible for negotiating amendments or protocols to the Convention could also rely on the work of the subsidiary bodies to assist it in performing this task.

F. Preparation of the report on implementation

Discussion

29. The outputs drawn from all the tasks described above could provide elements for the report on implementation (see A/AC.237/48). Some of the key inputs to that report would be drawn from the analysis of national communications, the scientific assessment and any COP decision on the review of the adequacy of commitments. Some of the sections of the report on implementation could be based upon inputs from the subsidiary bodies.

Comments

30. In the absence of a Committee discussion on the nature and preparation of the report on implementation, it is not possible at this time to determine what roles the subsidiary bodies might play. This issue can be revisited later.

G. Advice on research, education and technology

Discussion

31. Effective implementation of the Convention will depend on solid advice regarding current international efforts in research and systematic observation, as well as education, training and public awareness programmes. Advice would be needed on whether these activities meet the needs of the COP, and on how to improve such programmes to better respond to the requirements of the Convention. Informed advice on the latest, and future, technologies for limiting emissions from sources or enhancing sinks of greenhouse gases, their effects, and their relative feasibilities in different circumstances would also be beneficial to the Parties. Concrete and readily achievable ideas to promote international programmes and cooperation in the field of research and development related to climate change, capacity building, technology dissemination and experience sharing could help Parties to implement their commitments.

Comments

32. Article 9.2(c) requires the SBSTA to "identify innovative, efficient and state-of-the-art technologies and know-how and advise on the ways and means of promoting development and/or transferring such technologies". Article 9.2(d) mandates the SBSTA to "provide advice on scientific programmes, international cooperation in research and development related to climate change, as well as on ways and means of supporting endogenous capacity building in developing countries". The SBSTA would, therefore, have a major role in advising on means to promote effective implementation of the Convention. Its role would be to inform the Parties on international initiatives and programmes in the areas of capacity building, technology development and transfer, as well as scientific research and systematic observation, and the services they offer. Moreover, a role in evaluating these international programmes to determine whether they meet the needs of the Convention could be envisaged. It could collect and disseminate information on appropriate technologies for limiting emissions of greenhouse gases and adapting to climate change. The CLIMEX initiative could be relevant in this context and could be supportive of the SBSTA (see A/AC.237/51).

H. Implementation of Article 11

Discussion

33. There are several areas related to the operation of the financial mechanism where the subsidiary bodies established by the Convention might have roles to play. These are broached in document A/AC.237/50 on the implementation of Article 11, but are treated in somewhat more detail below. The COP will receive and review at each of its sessions a substantive report from the governing body of the operating entity or entities (see A/AC.237/41, para. 86). In order for the COP to review the report and take appropriate decisions, some analysis and advice may be necessary.

34. The COP may require advice concerning policies, eligibility criteria and programme priorities, the amount of funding necessary and available for the implementation of the Convention and requests for the reconsideration of funding decisions. Advice on activities undertaken by developing country Parties, such as planning, endogenous capacity building including institutional strengthening, training, research and education, that would facilitate the implementation of effective response measures might be useful.

Comments

35. As mentioned above, the SBI will assist the COP in ensuring the smooth and effective implementation of the Convention. It could therefore have a central role to play in responding to the needs of the COP in relation to the implementation of Article 11. The SBSTA, however, might also have a role to play because of its expertise in, and knowledge of, technological choices and methodological questions. The SBSTA could also be authorized to cooperate with the scientific and technical advisory bodies operating under the auspices of the entity or entities, in order to provide advice on scientific and technical matters related to climate change.

III. PROPOSED ALLOCATION OF FUNCTIONS, SCHEDULING AND SUPPORT

A. Proposed allocation of functions

36. The key features of the proposed allocation of functions described in the preceding paragraphs are summarized below.

37. The SBSTA would be concerned mainly with the treatment of the information from competent international scientific bodies, particularly the IPCC. In this context, the SBSTA could be expected to maintain a collaborative network involving relevant organizations and to serve as the point of contact between the Convention structures and such organizations. Some of its important tasks would include reviewing the development of methodologies, advising on improvements in the field of research and systematic observation, technology, education, training and public awareness, and channelling requests from the COP and the SBI to the IPCC and other bodies. The Parties may wish to revisit the issue after the completion of the current round of work on the second assessment report of the IPCC in 1995.

38. The expected products from the SBSTA could include:

(a) A compilation and synthesis of information on the global situation in a form useful to the COP, containing recommendations within its mandate, to be forwarded to the SBI and the COP;

(b) A report on the status of the development and evolution of the methodologies required under the Convention, highlighting areas for attention by the Parties and providing answers to specific methodological questions that may arise. This report could also contain information on other types of methodologies (see para. 15 above);

(c) A report on international programmes in the fields of research and systematic observation, education, training, public awareness, capacity building and information exchange, including an evaluation of whether these efforts meet the needs of the Convention;

(d) A report on technologies for limiting greenhouse gas emissions from sources and enhancing sinks, including information on their development and transfer;

(e) Information on the collaborative arrangements established with competent international bodies, including the IPCC and the operating entity or entities of the financial mechanism;

(f) Inputs intended for use in the report on implementation; and

(g) Any other product as might be deemed necessary.

39. The main function of the SBI would be to convey to the COP assessments of the implementation of the Convention and options for further steps if deemed necessary. It would deal mainly with the information communicated by Parties and, based on the experience gained in the review of national communications, might be able to provide advice on how that process should develop. It could also guide the SBSTA in its work relating to methodologies, and provide inputs for the report on implementation. It might also assist the COP in its relation with the operating entity or entities of the financial mechanism.

40. The expected outputs of the SBI could include:

(a) A report analysing the national communications ;

(b) A compilation and synthesis of that information, including an assessment of the overall aggregated effect of the steps taken by the Parties, and possibly recommendations for further steps if deemed necessary;

(c) Inputs intended for use in the report on implementation;

(d) An analysis of the report from the operating entity or entities of the financial mechanism;

(e) Any other product as might be deemed necessary.

41. In the context of its discussion of the institutional options proposed to meet the needs of COP 1 (see section IV below), the Committee may wish to consider which of the above products would be required for COP 1.

B. Scheduling of subsidiary bodies

42. It will be necessary for the COP to construct a schedule of meetings of its subsidiary bodies, consistent with the relevant provisions of its rules of procedure, that would provide for these bodies to perform their functions in a proper sequence and for the delivery of timely inputs to the COP itself. This schedule should allow time for Parties and the secretariat to provide the necessary inputs for meetings of the subsidiary bodies as well as time to digest the outputs from those meetings.

43. Factors affecting the timing of meetings of subsidiary bodies would include the frequency of:

(a) National communications;

(b) Consideration by the COP of the communications; and

(c) The review by the COP of the adequacy of commitments. (The obligation upon the COP to review the adequacy of commitments for the second time not later than 31 December 1998, and regularly thereafter, should be kept in mind in this context.)

44. Related factors are:

(a) The availability of periodic scientific assessments of climate change, such as the second assessment report of the IPCC, due late in 1995;

(b) The availability of the reports of the entity or entities operating the financial mechanism of the Convention;

(c) The time needed to translate and distribute documents;

(d) The cost of holding meetings, including the costs of secretariat inputs and of conference services, as well as the availability of such services; and

(e) The cost to Parties of building and maintaining their capacities to contribute to meetings and of travelling to participate in them.

45. With these considerations in mind, the Committee may wish to make recommendations regarding the frequency and duration of meetings of the two subsidiary bodies, taking account of the frequency of sessions of the COP.

C. Technical and analytical support

46. As indicated in para. 18 above, the Committee has agreed that the subsidiary bodies should carry out a thorough analysis of national communications and a compilation and synthesis of the information provided therein (A/AC.237/41, para. 62). The Committee has not yet reacted explicitly to requests by the interim secretariat for guidance concerning the technical and analytical work that might be required of it to support these efforts in preparation for COP 1.

47. If substantial work were to be requested of the interim secretariat, it would need time to mobilize resources and staff beyond its present capacities. An estimate of additional staff and other costs that might be required is contained in the report of the Executive Secretary on the activities of the interim secretariat (A/AC.237/54). Guidance on this matter is urgently sought from the Committee at its ninth session.

48. The Committee might also consider the possibility of Parties providing technical and analytical support to the process of communication and review of information, through the mobilization of groups of national technical experts to undertake analysis, compilation and synthesis of information on the global situation and of information contained in national communications. This could be an alternative or a supplement to work by the interim secretariat, which could also assist in ensuring coordination of the different efforts.

IV. POSSIBLE INTERIM ARRANGEMENTS PRIOR TO COP 1

49. The COP, in undertaking the tasks assigned by the Convention to its first session (scheduled for March/April 1995), would benefit from inputs from the subsidiary bodies. However, these bodies are not yet functioning. The Committee, at its eighth session, identified three institutional options for ensuring that COP 1 would receive the desired inputs (A/AC.237/41, para. 72). These options have been examined by the interim secretariat, taking account of comments from the United Nations Office of Legal Affairs.

A. Option A: Convene the subsidiary bodies before COP 1

50. The first option is to convene the subsidiary bodies on an interim basis before COP 1. The subsidiary bodies, having been established by the Convention (Articles 9 and 10), may be convened once the Convention enters into force, even before COP 1. It would not be for the Committee to convene these bodies, though the Committee could make a recommendation to that effect. The bodies could be convened by decision of the Parties, whose positions on that question would have to be ascertained by the interim secretariat.

51. This option, though feasible, is not advisable on legal grounds. It would entail the subsidiary bodies meeting without the guidance that they should receive from the COP, "the supreme body" of the Convention (see Articles 7.2, 9.2 and 10.2). They would also be meeting without their rules of procedure having been adopted by the COP (see Article 7.2(k)). Furthermore, the COP would not be able to elect their Chairmen (see draft rule 27.3 of the draft rules of procedure of the COP, A/AC.237/27/Rev.2).

52. Moreover, the exercise of this option would result in two parallel intergovernmental processes related to the Convention: on the one hand, the Committee, under the General Assembly, open to all member States and coordinated by its Bureau and, on the other, the subsidiary bodies, without any established institutional oversight and with membership limited to Parties. This situation might give rise to overlapping and contradictory actions.

B. Option B: Use the Committee as proxy for the subsidiary bodies

53. The second option is for the Committee itself to carry out the tasks of the subsidiary bodies, on an interim basis, and make recommendations thereon to COP 1. This option is, in institutional terms, the simplest of the three, being based on the status quo. It is feasible within the mandate of the Committee pursuant to General Assembly resolution 47/195, paragraph 6, and within the framework of the rules of procedure of the Committee.

54. Under this option, the Committee would need to decide on the assignment of the tasks of the two subsidiary bodies to existing or new working groups, or a combination thereof. To the extent that one or both of the existing working groups were used, care would need to be taken that they could still fulfil the mandates already given to them by the Committee at its sixth session (A/AC.23/24, para. 44). If one or two new working groups were set up, the Committee would need to elect their officers. The Committee's established practice that no more than two working groups should meet simultaneously would have to be respected (see decision 1/1 of the Committee on the establishment of subsidiary organs and organization of work, document A/AC.237/6).

55. Since the Committee is open to all member States and the membership of subsidiary bodies is limited to Parties, it would be desirable for an understanding to be reached whereby only States that are Parties participate in decisions with respect to tasks being undertaken by the Committee on behalf of the subsidiary bodies.

C. Option C: Hold COP 1 in two parts, with the subsidiary bodies in between

56. The third option is for the subsidiary bodies to meet during COP 1, which would be held in two parts. The first part of the session would be a brief organizational part, at which the COP would elect its Bureau and the Chairmen of the subsidiary bodies, adopt the rules of procedure and those of the subsidiary bodies, and convene the subsidiary bodies. The COP would then suspend the session, and resume later to conduct its substantive business once it had received the reports of the subsidiary bodies.

57. While this option is consistent with the provisions of the Convention, it gives rise to practical difficulties. If the two parts of COP 1 and the subsidiary bodies were to meet within a normal two-week meeting period, or indeed the period indicated for COP 1 (28 March-7 April 1995), this would allow insufficient time for the processes to unfold. For this reason, this variant is not attractive.

58. In a second variant of this option (option C.2), the organizational part of COP 1 and the meetings of the subsidiary bodies could take place some weeks prior to, and in a different location from, the substantive portion of COP 1. This would allow sufficient time for the various steps in the process but would entail the formal opening of COP 1 elsewhere than in the host country. This would blur public and media perceptions of COP 1 as a distinct and special event in the evolution of the Convention.

D. Implications of the three options: scheduling and related costs

59. Action to be taken by or on behalf of the subsidiary bodies cannot start before the first communications are available. On the assumption that the Convention will enter into force by 31 March 1994, the communications by Annex I Parties should be available by 30 September 1994, in accordance with Article 4.2(b). An additional factor is that the IPCC special report is due to be completed in November 1994. At the other end of the schedule, action would have to be completed by the end of February 1995 for documents to be available in the official languages to delegations before the opening of COP 1 in Berlin. The time span for action is, therefore, October 1994 to February 1995.

60. One session of the Committee is scheduled within this period: the eleventh session, which is to take place in New York from 6 to 17 February 1995. This meeting period would be available for the Committee to undertake the functions of the subsidiary bodies (option B above). With the concurrence of the Committee, part or all of the conference services available during those two weeks could also be used to accommodate options A or C.2. In this way additional costs would be avoided, whether for conference services or for participation by delegates and secretariat staff. 1/ Moreover, consideration would have to be given to how the work of the tenth session of the Committee (22-31 August 1994) would be affected by such a decision.

61. Under any of the three options, the question arises whether the two-week period available in February 1995 would suffice to complete the tasks of the subsidiary bodies, as well as the remaining work of the Committee itself. This question is more acute in the case of option C.2, since the organizational part of COP 1 would also have to fit into the two weeks.

62. Items on the Committee's work programme that are not covered by the tasks of the subsidiary bodies, and that might still be outstanding in February 1995, could include matters relating to criteria for joint implementation, to the financial mechanism and to the permanent secretariat. In addition, the Committee may be the forum for consultations on elections and organization of work at COP 1.

63. Should the Committee consider that two weeks in February 1995 would not suffice for this workload, options for obtaining additional meeting time would have to be explored. If it were felt that a further week would be needed, the most economical way of achieving this would be to hold a three-week session, preferably by adding a week to the beginning or the end of the session currently scheduled. Holding an additional session, say in January 1995, would impose extra travel requirements, notably on the special voluntary fund for participation. The addition or extension of a session of the Committee would need to be approved by the General Assembly, on the recommendation of the Committee on Conferences.

E. Conclusion

64. In the light of the above considerations on possible interim arrangements prior to COP 1, the Committee might want to reach consensus on which of the three institutional options is to be pursued. Option B appears to be preferable because it is the simplest and the easiest to implement. In this context, the Committee might want to consider how best to organize its remaining work, how to use its eleventh session to perform the tasks allocated to the subsidiary bodies and whether to seek additional meeting time.

Note

1/ This statement assumes that no distinction would be made, for budgetary purposes, between meetings of the Committee and meetings of Parties. Since the General Assembly is expected to include COP 1 in the United Nations Calendar of Conferences, it may be considered permissible for conference services allocated to the Committee to be made available for meetings of the subsidiary bodies before COP 1 (option A) or for an organizational part of COP 1, followed by the subsidiary bodies (option C.2).

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